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December 18, 2015

Honorable Loretta Preska  
Chief United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *United States v. Raghbir K. Gupta*, 07 Cr. 177

Dear Judge Preska:

I am one of the attorneys for the defendant Raghbir Gupta. I am writing in connection with the Court's recent order directing Mr. Gupta to surrender for service of his sentence. Because Mr. Gupta has already served the incarceration portion of his sentence, we respectfully request that the Court revise its order and instead direct Mr. Gupta to report to the Department of Probation (which he has already done) to commence service of the home detention portion of his sentence.

This case has a long and circuitous history involving a trial, appeal, reversal upon rehearing *en banc*, a re-trial, and another appeal. Mr. Gupta's sentence after the re-trial, according to the attached Judgment of Conviction, is:

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of fourteen months, one half of the time imposed to be served while on supervised release under home confinement. The defendant has previously served seven months imprisonment in this case.

Upon the Court of Appeals' affirmance of his conviction, Mr. Gupta reported to the Department of Probation and received confirmation that he had completed his seven month term of imprisonment (served between the time he surrendered to serve his first sentence and his later release on bail pending appeal when the Supreme Court decided a case germane to his appeal).

Hon. Loretta Preska  
December 18, 2015

We have spoken to P.O. Steven Sanford who advised us that, according to the Bureau of Prisons, Mr. Gupta has served the imprisonment portion of his sentence, but the Court's order has divested the Probation Department of jurisdiction to administer the remaining home detention portion of the sentence. His office number is 718-374-8817 and his cell phone is 917-731-9743.

Mr. Gupta will be 70 years old this Christmas and it would be a hardship for him to surrender to the BOP and remain in custody until his status is sorted out, which would likely result in his serving a longer sentence of imprisonment than was imposed.

We therefore request that Your Honor enter an order directing Mr. Gupta to report to the Probation Department in the Eastern District of New York for coordination of the home detention portion of his sentence. We understand that Mr. Gupta has circulation problems that would make wearing a bracelet difficult, and that the Probation Department, with the Court's approval, can utilize location monitoring with voice verification technology instead. Finally, P.O. Sanford confirmed that Mr. Gupta has been reporting since November 5, 2015 and we request that he receive credit for that time towards his one year of supervised release.

I have conferred with AUSA Michael Gerber and he has no objection to the above proposal.

Thank you for your consideration.

Very truly yours,

S/

SUSAN C. WOLFE

CC: All Counsel via ECF